

REMARKS

This Amendment is made in response to the Office Action dated April 17, 2007. Claims 1-48 are pending in this application. Of these claims, claims 6, 9-14, 21-28, 30 and 36-48 have been withdrawn in view of a previous restriction and election of species requirement. By this Amendment, claims 1, 4, 5, 7 and 29 have been amended to more clearly define the presently claimed invention. Applicants have carefully reviewed the arguments presented in the Office Action and respectfully request reconsideration of the claims in view of the remarks presented below.

The Examiner has rejected claims 1- 5, 7 and 8 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,273,716 to Wade (the "Wade patent"). Applicants disagree with the Examiner's position that the Wade patent discloses a an elongate tube having a resealable longitudinal joint. Clearly, the cover 30 for the dental hand piece 10 disclosed in the Wade patent is not an elongate tube in accordance with the present invention, but rather, a molded piece of plastic. However, in order to expedite the prosecution of this case, Applicants have amended independent claims 1 and 29 by adding structural elements to more clearly define the elongate tube as being flexible and sized and adapted to fit within a biological blood vessel. These claims also have amended to clarify that the opening formed on the second side of the tube extends along the substantial length of the elongate tube and the outwardly extending protrusion formed on the first side extends along the substantial length of the elongate tube. This structure is clearly lacking in the Wade patent. Applicants hereby reserve the right to prosecute original claims 1 and 29, along with variations thereof, in continuation applications which may be filed in the future. Applicants respectfully request the Examiner to withdraw the Wade patent as an anticipatory reference.

Claims 29 and 31-33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U. S. Patent No. 6,080,141 to Castro et al. (the "Castro patent")

in view of the Wade patent. As mentioned above, claim 29 has been amended to include structural recitations relating to the tube and resealable longitudinal joint. For at least the reasons addressed above with respect to claims 1-5, 7 and 8, the Wade patent fails to disclose the basic structure now recited in claims 29 and 31-33. The Castro patent fails to disclose a resealable longitudinal joint, as is acknowledged by the Examiner. Accordingly, the particular structure lacking in the Wade patent is also absent from the Castro patent. Therefore, the combination of the Castro patent with the Wade patent simply fails to achieve the structure now recited in claims 29 and 31-33. Allowance of these claims is respectfully requested.

Applicants believe that independent claims 1 and 29 are generic and allowable over the cited art. Applicants respectfully request the Examiner to reconsider previously withdrawn claims 6 and 9-14 which depend either directly or indirectly from claim 1, along with dependent claim 30 which depends from claim 29.

In view of the foregoing, it is respectfully urged that all of the present claims of the application are patentable and in a condition for allowance. The undersigned attorney can be reached at (310) 824-5555 to facilitate prosecution of this application, if necessary.

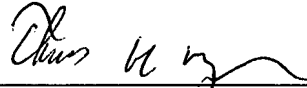
In light of the above amendments and remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

The commissioner is authorized to charge any deficiencies in fees or credit
any overpayments to our Deposit Account No. 06-2425.

Respectfully submitted,

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